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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS

JAMES WHANG dba SOUTH PACIFIC LUMBER COMPANY,

Case No. 1:21-CV-00027

Plaintiff,

VS.

[PROPOSED] JOINT PRETRIAL ORDER

IMPERIAL PACIFIC INTERNATIONAL (CNMI), LLC,

Date: December 2, 2022

Time: 1:30 p.m.

Defendant.

Judge: Hon. Ramona V. Manglona

COMES NOW, James Whang doing business as South Pacific Lumber Company ("SPLC") and Imperial Pacific International (CNMI), LLC ("IPI") to submit their Joint Pretrial Statement pursuant to the First Amended Scheduling Order (ECF No. 21), Order Resetting Final Pretrial Conference (ECF No. 22), and LR 16.6(b).

- 1. **The Firm Trial Date:** Bench Trial is set to begin December 16, 2022 at 9:00 a.m.
- 2. **Stipulated and Uncontroverted Facts:** The parties shall file stipulated and uncontroverted facts before the Final Pretrial Conference.
 - 3. List of Issues to be Tried:
 - a. Whether IPI was ever denied access to the warehouse during its occupancy; and
 - b. If IPI was denied occupancy to the warehouse, does that fact limit SPLC's damages and to what extent, if any.
- 4. **Disclosure of All Witnesses:** The parties shall disclose all witnesses that may be used for the December 16, 2022 bench trial before the Final Pretrial Conference on December 2, 2022.
- 5. **Listing and Exchange of Copies of All Exhibits:** The parties shall list and exchange copes of all exhibits before the Final Pretrial Conference on December 2, 2022.

- 6. **Pretrial Rulings, Where Possible, on Objections to Evidence:** The parties do not anticipate filing motions in limine.
- 7. **Disposition of All Outstanding Motions:** There are no motions outstanding in this matter.
- 8. Elimination of Unnecessary or Redundant Proof, Including Limitations on Expert Witnesses: There are no expert witnesses for either party. The parties shall file stipulated and uncontroverted facts before the Pretrial Conference.
 - 9. Itemized Statements of All Damages by All Parties:

SPLC Prays for Judgment as Follows:

- a. Total damages in the amount of \$805,476.48. This total is made from the following components:
- i. The amount of \$243,600.00 in rent due from March 2020 to May 2021 awarded by this Court in its Decision & Order Granting Plaintiff Partial Summary Judgment. (ECF No. 20).
- ii. The amount of \$17,052.00 as interest from March 2020 to May 2021 awarded by this Court in its Decision & Order Granting Plaintiff Partial Summary Judgment. (ECF No. 20).
- iii. The amount of \$6,701.00 as utility fees from March 2020 to May 2021 awarded by this Court in its Decision & Order Granting Plaintiff Partial Summary Judgment. (ECF No. 20).
- iv. The amount of \$239,920.00 in rent from June 2021 to September 2022.
- v. Double the amount of \$239,920.00 in rent under 2 CMC §§ 40201 *et seq* from June 2021 to September 2022
- vi. The amount of \$51,244.80 as from interest from November 2020 to September 2022.
- vii. The amount of \$217.88 as utility fees from June 2021 to September 2022.

1	b. Attorneys' fees, costs and post judgment interest to be proven post-judgment.	
2	10. Bifurcation of the Trial: Parties do not intend to bifurcate the trial.	
3	11. Limits on the Length of Trial: Parties agree that the bench trial will last one-h	alf
4	day.	
5	12. Jury selection issues: Parties waived jury trial; therefore jury selection will	be
6	unnecessary.	
7	RESPECTFULLY SUBMITTED, November 30, 2022.	
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9	\(\s\ \) Colin M. Thompson	C
10	Colin M. Thompson Attorney for Plaintiff Joey P. San Nicolas Attorney for Defendant	
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